

U.S. EPA Region 4 SFIREG Report

December 1, 2023

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The Region 4 Fall Pre-SFIREG meeting was held on 10-12 October 2023, at the Hyatt Place in Panama City Beach, Florida. This in-person meeting also provided a virtual link for those who could not come to the meeting in person. All 8 states in the Region (AL, FL, GA, KY, MS, NC, SC, TN) were in attendance, and EPA regional leadership staff were in attendance as well.

Updates given during the meeting by our EPA Region 4 partners:

- + Region 4 EPA Land Chemicals and Redevelopment Division Update (Ramon Torres, Donnette Sturdivant)
- + Grants & Certification Training Update (Richard Corbett)
- + PRIA 5 Discussion (Michelle Diaz Laboy, Kelly Friend, FDACS)
- + EPA Region 4 Enforcement and Compliance Assurance Division Update (Kimberly Bingham, Alan Annicella, Kim Tonkovich)
- + Pollinator Protection (Linda Purvis)
- + Spring 2024 Pre-SIFIREG Update (Pat Jones, NCDACS & Richard Corbett)

Topics covered in the meeting by SLA personnel were:

- + Endangered Species Act (Harris Walters)
- + National & Regional Training Updates (Rick Hayes, Ryan Okey)
- + SFIREG/POM/EQI Update (Derrick Lastinger, Dwight Seal, Jim Cooper)
- + AAPCO Update (Kelly Friend)
- + ASPCRO Update (John Pitcock)

Primary Issues Discussed by States:

During the meeting, as customary, there was a states-only session where items of concern and any issues that may need to be taken forward to the Region and Headquarters were discussed. During this session, the main topics of discussion among various states in the region were the Certification and Training Plan implementation, rodenticide PIDs and related issues, the need for guidance on ESA, concerns with grant disbursements, guidance pertaining to drone/UAV usage, inspector credential transition following Tammy Cross's retirement, the tips and complaints system, and requests for contextualization of published incident data. These discussions are summarized below.

Certification Plans: States all stated their certification plans had been approved, but voiced concerns over implementation and consistency. Clarification of the process for making changes to the plan was also discussed. Donnette Sturdivant with the EPA stated there is a possibility of grant funds for the development of training materials. Representatives of the EPA also encouraged SLA's to reach out with comments early and often, and monthly C&T calls would be held in the future. States can expect guidance on the modification process to be released in late spring of 2024.

Rodenticide Issues: The prevailing sentiment is that the EPA's decision on rodenticides will bring about a range of issues for the states. State lead agencies will face the compliance monitoring and enforcement of additional record-keeping requirements, with the potential need for new certification categories in certain

states. Licensing applicators during public health emergencies is expected to be a challenging task. Additional concerns associated with this decision include carcass removal requirements and increased record-keeping responsibilities for private applicators. Some have proposed the necessity of an Issue Paper to address these concerns.

ESA Issues: States unanimously conveyed a sense of unpreparedness, underscored by a shared belief in the necessity for further training. There was a strong desire for guidance from the EPA. Key points of discussion included the management of overlapping PULAs, the duration of approval validity, record-keeping protocols, and the delineation of responsibilities. Furthermore, concerns were raised regarding the potential extent to which agricultural land might be withdrawn from production. States also expressed the need for an opportunity to comment and prepare before information is released to the public.

Grant Disbursements: States generally shared concerns over how delays in grant disbursement can negatively impact staffing. Many states have difficulties with staff retention and expressed hardship over the knowledge and skills that are lost in the process of downsizing due to delays in funding. Ramon Torres and Donnette Sturdivant with the EPA provided some options to pursue to aid in mitigating these issues, such as incremental disbursements and communicating the impact of delays to allow reprioritization. Staggering the disbursement schedule was also discussed as an option.

Drones/UAV usage: States discussed challenges regarding drone usage, licensing, and regulation. Current common uses for drones are mosquito control, maintaining rights of way, treating aquatic sites, managing vineyards, applying herbicides and fungicides in corn and soybean fields, and addressing specific structural issues like moss control on roofs and wasp and hornet control on building exteriors. The lack of label language governing drone use poses a significant challenge. Applicators require assistance with compliance and a consistent messaging framework. Other regulatory issues include considerations regarding the distance of application from structures, equipment inspections, advance notifications for applications, and the necessary label requirements for boom width and nozzle orientation. States agreed that a national strategy and guidance from EPA is needed.

Recognition of Tammy Cross: Tammy Cross (EPA) has announced her retirement. All states recognized her substantial contributions to the credentials process for inspectors and were delighted to hear that a transition plan is in place. She will be greatly missed but we all wish her a happy retirement!

Tips/Complaints/Referrals: States commonly found the information obtained from the tips and complaints system to be insufficient for effective follow-up. Notices are received that do not necessarily constitute complaints, and complications with inspections resulting from referrals were brought up. The states are keen on establishing strategies to foster relationships for referrals, aiming to address these issues.

Incident Data Publication: Concerns regarding the EPA's publication of NPIC and other agencies incident data were discussed. The states supported the transparency and expressed a willingness to respond but had concern about a lack of context. The states would like to see context published with the data to better prevent the information from being misinterpreted.

SFIREG Questions sent to the States and SLA Responses

The questions sent out to states for individual responses are summarized below. If a state had no issues or remarks on a particular item, those responses are not recorded.

1. C&T Plan Approvals

Alabama: The plan for Alabama has been approved and ADAI will begin implementation pending the EPA's publication of the Federal Register Notice.

Florida: Florida has an approved plan, however requests for revisions in the final hours made the approval process difficult. Florida also has concerns about guidance and coordination of materials regarding implementation.

Georgia: Georgia's plan was approved, but they echo the concerns pertaining to implementation. Questions were also raised regarding the process for making modifications to the plan and the need for the plan to be treated as a living document. The QMP and QAPP process has also been challenging, with an increase in comments coming from multiple reviewers. Georgia would like guidance documents on the referral priority scheme.

Kentucky: Kentucky has an approved plan.

Mississippi: Mississippi's plan has received EPA approval, but modifications may need to be made pending the decision on the rodenticide policy.

North Carolina: North Carolina's plan was approved, and the process went well. The C&T committee will be reviewing structural regulations in November.

South Carolina: South Carolina's plan has been approved.

Tennessee: Tennessee's plan has been approved.

2. ESA Workplan, Vulnerable Species Pilot, Herbicide Strategy and other topics for mitigation, labels, and Bulletins Live! 2:

Florida: Staff have been directed to submit comments to EPA as applicable.

North Carolina: Would like to see improvement in the involvement of states earlier in the decision-making process and greater care taken in understanding the impact these decisions have on growers, SLAs, conservationists, and other stakeholders. Significant concerns about implementation of these measures, and the burden on states to create education and training materials.

South Carolina: Funding is needed by EPA to improve implementation of these measures.

3. Reviewing and renegotiating the FIFRA and OECA Cooperative Agreements:

Alabama: The regulatory framework governing e-commerce products, whether at the state or federal level, remains ambiguous. Additionally, the mechanisms for overseeing off-site monitoring require more guidance, given the complexity of the digital marketplace. Nine states across the US (Including Alabama) have already taken measures to monitor e-commerce operations.

4. Rodenticide PID and Regulations:

Alabama: There have been no significant updates following the closure of the comment period. It's noteworthy that this is expected to bring about an increase in the number of private applicators in Alabama and the introduction of an Agricultural Livestock category, with a predominant focus on poultry practitioners.

Florida: Following the conclusion of the comment period, Florida has no further concerns to report. The state had previously voiced its concerns during the comment process and had engaged in collaborative efforts with AAPCO and ASPCRO to provide comments. In addition, comments were furnished by Florida's Fruit and Vegetable Association.

Georgia: GDA did submit comments. Georgia will have roughly 7,000 technicians that may need certified following the rodenticide decision. ASPCRO is seeking examples of rodenticide or RUP prohibition contract examples. Also of note, it was announced at ASPRO that 22,000

comments submitted regarding rodenticides are not being considered despite draft measures being released in October.

5. *SAFHER Database:*

Alabama: Does not recommend this program. Region 4 does not currently have an interest in this program.

6. *PRIA 5 Bilingual Label Language work and implementation:*

Florida: AAPCO has been working with EPA on bilingual labeling. They would like to obtain feedback on how to make this information more accessible to the applicator. It should also be noted, November 24th is the deadline for public docket. There are key translations missing from the translation guide and methods to update the guide need to be addressed. A work group is not needed as groups are currently already meeting regularly.

7. *Chlorpyrifos:*

North Carolina: Revoking of tolerances causing a severe impact on the poultry industry. Workers are refusing to enter poultry houses due to the conditions caused by severe bedbug infestations.

8. *Atrazine Interim Registration Decision:*

No further comments at this time.

9. *Dicamba:*

Alabama: Reported a reduction in complaints.

Florida: Florida has no new issues with dicamba.

Tennessee: Reported a reduction in complaints.

10. *25b Issues, False and Misleading Claims, and Solutions:*

North Carolina: Issues with Mosquito Magician company making serious false claims without efficacy data and creating an issue with public health in Georgetown. Lacks the resources needed to evaluate and the current process places the burden on the state.

11. *Antibacterial and Antifungal Resistance Framework:*

North Carolina: EPA has withdrawn its interim approval for Difenoconazole due to a lack of data and the potential impact to human viral resistance. The revocation and lack of communication with SLA's prior to the public release of this decision created issues.

12. *New and Ongoing Issues:*

Mississippi: There is a need for updated labeling and white paper guidance regarding drone/UAV applications.

State Summaries Submitted for the Pre-SFIREG Meeting, Fall 2023

Alabama:

- + **Budget:** FY 24 budget is excellent with no anticipated shortfalls. Working currently on the FY25 budget projections and all aspects seem to be fully funded as well.
- + **Staffing:** We hired two new inspectors on the AG side bringing us back to full capacity for AG inspectional staff. We were able to establish a new position (Biologist II- Entomology Option) in Professional Services and Tara McAllister will be promoted to this position leaving her inspector position vacant in Professional Services. This makes two vacancies currently for Professional

Service inspectors. We are also short one person in pesticide product registration. We are having a hard time trying to fill positions.

- + **Legislative/Rules:** Gearing up to make the changes in rules/regs necessary as a result of the new C&T rule and as outlined in the new C&T Plan approved for Alabama.
The Governor signed Executive Order 735 to reduce the “red tape” citizens and businesses must navigate by placing a moratorium on new rulemaking by executive branch agencies and establishing goals for the reduction in discretionary regulatory restrictions on citizens and businesses contained in the Alabama Administrative Code by 25 percent. This may make the C&T changes more difficult than initially anticipated.
- + **Significant Cases/Issues:** Follow-up investigations from previous investigations and a settlement that consisted of significant penalties are to branch offices for a large company are showing significant violations similar to branch offices in other locations in Alabama. Mobile, Baldwin & Monroe County branch offices were involved in a large settlement with ADAI and the Alabama AG’s office. Follow-up investigations to other offices in other counties are showing multiple infraction to our Professional Service Regulations. An informal Settlement conference took place between ADAI and the regulated entity to discuss additional penalties and the corrective measures the company will take to ensure compliance throughout the state of Alabama.
- + **Structural:** The structural section has plans to hire one Biologist II with an Entomology option and to hire two field investigators in FY 2024.

Structural investigations being conducted are showing multiple foreign companies migrating to Alabama and are operating without Certified Operators and Professional Service Permits. ADAI also finds that these foreign companies have falsely qualified their Certified Operators and are scheming other Certified Operators into prostituting their credentials. As well their companies are using Certified Operators from distant locations for supervision and supervision from a non-employee of the company.

Investigations show there are companies engaging in Structural Pest Control work for the control of subterranean termites and not performing control work until a problem or problems occur.

Investigations show there are companies claiming to utilize several control methods for treatment; however, ADAI finds the companies are not complying with all or any minimum standard of treatment such as a combination of soil, bait or wood treatment.

There are subterranean termite monitoring only devices in the industry market that only offer monitoring, no prevention or control. Monitoring systems alone are not recognized in Alabama as a method of treatment or a product that offers preventative and curative features. Monitoring devices/systems that lack a registered product that provides for preventive and curative treatment(s) would not be recognized or allowed in Alabama. A subterranean termite monitoring system without preventative and curative treatment features could only be utilized as a supplement to a stand-alone minimum standard treatment in Alabama. There should also be a contract statement as it relates to the monitor only system that there are no control agents.

Investigations show a decline in some previously prominent companies that now show the

inability to understand and properly engage in regulated work. ADAI is finding a conglomerate of infractions within several chapters of our Professional Service Regulations including but not limited to label violations. ADAI finds there is a lack of company personnel that have proper experience, knowledge or skills that are now in management positions regarding the operations of the company. The company employs Certified Operators that have no skills in the supervision of the employees performing regulated work.

- + **C&T:** Alabama C&T Plan has been approved and ADAI will begin moving forward in making the changes necessary for implementation in accordance with our specified timeline once EPA publishes the Federal Register Notice.
- + **WPS:** Status quo
- + **Endangered Species:** ADAI keeps two bulletins on the website updated each month showing the affected areas of the state and a table with pesticide AI/Product(s) with use limitations for the indicated areas on the map.
- + **Water Quality:** ADAI is currently under contract with USGS to conduct ground water sampling in Alabama. Active sampling occurred in FY2022, and the results have been provided to ADAI. Active sampling will occur again in FY2024, and ADAI will work with the USGS to develop a custom schedule of pesticides to track in Alabama during FY2023.
- + **Pesticide Water Disposal:** ADAI did not host a pesticide disposal event in FY2023. A new contract is in place and two events, one in South Alabama and one in Central Alabama, will take place on November 7 and November 8, 2023, respectively.
- + **Container Recycling:** No issues currently with container disposal; FY2022 weight total was 241,735 lbs.
- + **Special Programs/Initiatives:** We are planning an organizational restructuring for the programs with Pesticides, Professional Services, the Pesticide Residue Lab and Plant Industries. This reorganization will be focused on building in additional structure for succession planning and capacity building. We are also looking at salary ranges and additional classifications Still working on new online application to handle day to day business. The system will include product registration, certification, and business licensing. We will also be moving to electronic inspections at this time.
- + **New Issues/Concerns:** Hiring and retention. Pay/salary is an issue and primary pain point.
- + **Pesticide Registration:** Still need to hire for a vacant position. Went through the hiring/interview process and had few qualified candidates. Offer was made to the only candidate potentially qualified, and offer was declined.
- + **Other Significant News:** The progress on the new Pesticide Residue Lab in Auburn continues and we expect to make the move into the new building in Spring 24. We are upgrading our GCMS which is a major expenditure for enhancing the output for the lab. We are also nearing completion of our accreditation process for the Lab.

Florida:

- + **Staffing:**
 - Bureau of Licensing and Enforcement:
 - Brand new Criminal History Section created with 7 FTEs and 1 new manager for the Structural Pest Control Section.
 - New Agricultural Pesticide Section manager started in August 2023.

- New Environmental Specialist I position filled to handle Aldicarb Permitting and Fumigation website.
 - Bureau of Scientific Evaluation and Technical Assistance
 - Filled two vacant Environmental Specialist III positions
 - Filled one vacant Regulatory Specialist I position
 - Bureau of Agricultural Environmental Laboratories
 - In process of filling three vacant Chemist III positions
- + **Legislative/Rules:** Changes to rule 5E-14, F.A.C., were filed for adoption on October 4, 2023. Pest control applications for new and renewal licensure or certification were consolidated from 15 to 6 forms. Additionally, all include five criminal history questions which mirror the disqualifying offenses outlined in 5E-14.149(5)(c), F.A.C., and require the applicant to provide supporting documentation for any criminal conviction, as applicable.
- + **Significant Cases/Issues:** Anderson Pest Control, Inc. - Three administrative complaints were issued related to multiple fumigation violations.
 - 75 counts, Revocation of certified operator certificate, \$357,000.00 fine;
 - 2 counts, \$3,500 fine; and
 - 2 counts, \$3,500 fine.

Veras Nursery – respondent was issued a 43 count administrative complaint for multiple Worker Protection Standards (WPS) violations with a fine of \$49,100.00.

- + **Structural:** See Legislative/Rules section.
- + **C&T:** Florida’s plan was approved on 10/2/23.
- + **WPS:** FDACS hosted a WPS Stakeholder Meeting in Alachua, Florida on July 26, 2023.
- + **Endangered Species:** FDACS staff have reviewed all the available ESA related documents including the ESA Workplan, the Vulnerable Species Pilot Project, and the Herbicide Strategy. Staff have attended numerous webinars with national, state, and industry stakeholders. FDACS has reached out to several of our state sister agencies/departments to bring them up to speed regarding the potential impacts to their programs and encouraged them to submit comments to EPA when appropriate.
- + **Water Quality:** FDACS is working on an outreach document related to the proper use of copper algaecides. This is in response to the belief that small waterbodies are being treated prophylactically with copper algaecides. FDACS is in the process of gathering further data related to the issue.
- + **Pesticide Waste Disposal:** A total of 15,941 lbs of cancelled, suspended or unusable pesticides were collected during the period of April 2023 – October 2023.
- + **Pesticide Registration:** As of September 30, 2023, Florida had 16,114 pesticide brands registered. Review of registration requests: FDACS continued to review product brand registration requests, assuring compliance with statutes. Specific review activities are explained below. Review marketplace labels: FDACS continued to review changes on existing product brand labels. Where problems were found that violated Florida pesticide laws and rules, notified the registrants and EPA through SLITS (State Label Issue Tracking System) or the NPIRS data quality issue portal. Coordinate review of special registrations: This included 1 SLN, and 6 NAIs. These registrations were reviewed by the Department and other affected state agencies through the Pesticide Registration Evaluation Committee. This Committee convened on 4 occasions. FDACS

acknowledged receipt for 3 requests that were exempt from review by the PREC due to the size of the trials.

Georgia:

- + **Budget:** EPA awarded grant funding for FFY23 on 5/23/23 and 6/20/23. This delay created challenges with GDA budget office and delayed some projects under the agreement.
- + **Staffing:** One vacant inspector position in Ag Inputs
Structural – fully staffed. Hired program assistant position and inspector for central district.
- + **Legislative/Rules:** No changes for Ag Inputs, but preparation is underway for C&T related revisions.
- + **Significant Cases/Issues:** Attorney General issued an injunction to an unlicensed pest control operator. The hearing is scheduled for 10/12/23. GDA has a new law enforcement division and the officers are assisting with the hand-delivery of cease and desist notifications, statewide stop sale and notices of hearing as needed and for inspector safety.
- + **Structural:** Working with ASPCRO and applicators on rodenticide PIDs, impacts and collecting information to share with EPA.
- + **C&T:** Working to update exams and regulations – Ag Inputs .Structural just wrapped up our renewal season so our folks have been doing tons of outreach to help with that process. The renewal period hit a record number of registered employee licensed issued (pest control technicians and salespeople) but also saw the largest number of these license expire. This trend might be indicative of turnover in the industry.
- + **WPS:** Planning a WPS stakeholder meeting for early 2024
- + **Water Quality:** No detections in monthly water samples
- + **Pesticide Waste Disposal:** Hosted Clean Day in August 2023
- + **New Issues/Concerns:** Yellow legged hornet was found in Chatham County. GDA is leading an eradication response that includes monitoring and contracting pest control contractors to treat nests.
- + **Other Significant News:** New law enforcement division

Kentucky:

- + **Budget:** Nothing to report at this time
- + **Staffing:** Field Staff is fully staffed / currently filling an admin vacancy
- + **Legislative/Rules:** New Regs went into effect on 1-1-23
- + **C&T:** Approved by R4 & HQ / Fully Implemented on Dec 31, 2024
- + **Water Quality:** New monitoring plan being developed with KYDW and PO
- + **Pesticide Waste Disposal:** No vendor was interested in a standard contract, KDA will be paying the current rate if and when services are needed.
- + **Container Recycling:** Need guidelines on recycling of mini bulk containers
- + **Other Significant News:** Our Commissioner terms out at the end of December, Online testing contract has been signed.

Mississippi:

- + **Budget:** Remains flat.
- + **Staffing:** We are having trouble retaining staff as well as replacing staff when they leave for office and field positions.

- + **Structural:** July 2023, the regulation requiring termite bait as a stand-alone pretreatment is only permitted after a written request from the resident purchaser is received by a licensed structural pest operator was repealed. Any use of termiticide baits as a “pretreatment” must be used according to the label.
- + **C&T:** Updating private and commercial C&T
- + **Water Quality:** No issues at this time. Mississippi Department of Environmental Quality is currently wrapping up the year for sample
- + **Pesticide Waste Disposal:** BPI will partner with MSU Extension to host event in the next few months.
- + **Special Programs/Initiatives:** BPI has organized a UAV Work Group, made up of stakeholder in Mississippi to evaluate this new technology.
- + **Other Significant News:** Recently hosted Apiary Inspector Training for Mississippi and Alabama. Mississippi State University Extension, Beekeeping, Apiculture: Honey Bee Health, Dr. Jeff Harris for provided classroom and onsite training.

North Carolina:

- + **Budget:** Pat Jones emailed Richard Corbett and Donnette Sturdivant on 9/6/23, and it was also discussed at an in person meeting with Kimberly Bingham and Keriema Newman at R4 ECAD/NCDA&CS Annual Meeting on 9/7/23 regarding the delay in funding that we experienced this fiscal year for the first year of the grant cycle. We received a strong warning from our Chief Deputy Commissioner that we can no longer have a delay in federal funding like we endured last year. We cannot pay employees for eight months by utilizing the small amount of funding that was supplied in March. The small allocation we received in March was only enough to pay salaries and expenses for three months. We are no longer allowed to borrow from state funds to pay federal salaries. We have eight employees that are paid through federal funding. Going forward if there is a delay in receiving federal funding, we will be forced to furlough those employees until federal funding is made available. We also use federal funding for outreach, supplies, and travel for regional and national collaboration with EPA and our SLA counterparts in pesticide regulatory affairs.
- + **Staffing:** NCDA&CS currently has 11 vacancies. These vacancies include a Structural Pest Control Inspector, two Administrative Specialist I’s, two Agricultural Program Specialist I’s, Agricultural Program Specialist II (Eastern Field Supervisor), Pesticide Inspector I, Pesticide Inspector II, Environmental Technician I (Sleep Products), and two Administrative Associate II positions. Karen Hunt is leaving to go to the Food & Drug Division and her position of Administrative Officer II will be vacant after 10/6/23. That will make the total vacancies 12. SPCPD Division Director Jim Burnette retired at the end of May. Our new Division Director is Pat Jones. Pat Farquhar accepted Pat Jones’ prior position of Deputy Director of Pesticide Programs. Pat Farquhar’s previous position of Eastern Field Supervisor is currently vacant.
- + **Legislative/Rules:** C&T regulations have been presented to the NC Pesticide Board, so begins that arduous process. The Structural C&T Rules will be presented to the Structural Pest Control Committee in November – more fun than you can imagine!
- + **Significant Cases/Issues:** We have received the signed settlements from Mosquito Tek for both the structural and pesticide cases after much effort. We are nearing the final steps to close out our photoshopped certification card case. We continue to receive numerous calls regarding

backyard mosquito applications and the use of mothballs in outdoor settings to repel unwanted snakes, dogs, and other pests.

+ **Structural:**

- We now have a vacant Inspector position in Western N.C. as of 09/29/2023, so we will soon begin the recruiting and hiring process for this position.
- The N.C. Structural Pest Control Committee issued a Declaratory Ruling that was official as of June 9th, 2023. The Committee ruled that all sales representatives must be employed as actual employees under the oversight of structural pest control license holders and can't be employed only as independent contractors. This Ruling was a result of a petition that was presented to the Committee from a Pest Control Company at the April 25th, 2023 Committee meeting.
- We held a Structural Pest Control Committee meeting on August 10th, 2023 and eleven settlement agreements were approved with a total penalty amount of \$10,800. Division Director Pat Jones was introduced as the Committee's Secretary replacing Jim Burnette who recently retired. C&T Manager John Feagans gave an update on our C&T plan indicating that it was approved by EPA in July. Mr. Feagans will be giving a detailed presentation concerning proposed Rules revisions & training requirements at the next Committee meeting which will be held on November 29, 2023.
- Structural & Pesticides were finally able to secure signed settlement agreements from Mosquito Tek on September 27, 2023 after much effort from both Program's teams.
- Our team is close to finishing the project to replace our current Inspection System with an Ideagen/Smartforms Inspection system and we are hopeful to begin this transition by the end of this year.
- We continue to work closely with the N.C. Pest Management Association & NCSU on our Registered Technician Training Program revision project. We have almost completed workbook revisions and will soon begin working on the 8 hour presentation revisions.

+ **C&T:** We have received approval from the Pesticide Board to move forward to the Rules Review on all of the Pesticide Regulation revisions. We will present the Structural rule revisions to the Structural Committee at the end of November. We are reviewing the Core, Private and O&T exams and adding/deleting questions so that they meet the new standards. We have reviewed all of our C&T related forms and created drafts of them including the new commercial categories, Core requirements. We've added the Private categories to the forms. We have a draft Private Commodity Fumigation exam and NCSU is in the process of having that manual printed. We should have our exam ready by the time the manual becomes available.

+ **WPS:**

- 2 Private Applicator Spanish schools for a total of 70 participants.
- Working relationship with advocacy groups, Department of Health, NC Extension, NC Agromedicine, PERC to develop and disseminate educational materials to farmworkers across the state.
- Collaborate with NC Extension to educate Farm Labor Contractors, by participating in 3 meetings across the state in October.

+ **Endangered Species:** SPCPD staff have reviewed EPA's "Draft Herbicide Strategy Framework to Reduce Exposure of Federally Listed Endangered and Threatened Species and Designated Critical Habitats from the Use of Conventional Agricultural Herbicides" (hereafter "Herbicide Strategy"),

which presents significant challenges for growers, state-led agencies (SLAs), conservationists, and other stakeholders. This strategy is incredibly complex and will require significant educational, technical, and financial resources to implement. As the agency responsible for overseeing and enforcing the safe and appropriate use of pesticides in North Carolina, SPCPD has concerns about how the Herbicide Strategy will be implemented and enforced, including the proposed accelerated timeline to acceptance, the lack of resources identified to assist with outreach and education, the burden on growers to comply, and difficulty with how the strategy will be enforced in real-world scenarios.

SPCPD staff continue to review draft biological evaluations for active ingredients as they are released, as well as reviewing any new restrictions in the state using Bulletins Live! Two.

- + **Water Quality:** The SPCPD Drinking Water Survey for triazine herbicides and breakdown chemicals was available in North Carolina for private applicators during this period. Well testing information is sent to new and recertifying private applicators as a part of their renewal application. As a result, during the reporting period April 1, 2023, through October 1, 2023, 270 drinking well water survey letters for triazine herbicides were sent to new and recertified private applicators. Ten (10) well water sample collection kits were mailed, and 8 were returned. One sample showed a detection of atrazine at 0.14 parts per billion. A follow-up sample has been taken and we are awaiting the results.
- + **Pesticide Waste Disposal:**
 - **Collection Totals and Budget Increase:** For FY22-23, the Pesticide Disposal Assistance Program (PDAP) collected over 155K pounds of pesticides from North Carolina. This is approximately 20% less than our 5-yr avg of over 195K pounds. Since its inception in 1980, the PDAP has responsibly collected and disposed of over 4.8 million pounds of unwanted, banned, or outdated pesticide products from NC. The reduction in FY22-23 totals was 3-fold: a 20-yr old budget limitations, rising disposal prices, and a shortened Spring season due to administrative limitations. All three situations led to a required scale-back in collections despite previously failing to catch-up from both a Covid shut-down and several recent contract complications. This self-induced collection scale-back resulted in the first occurrence in a decade that a top-ten program total was not set.

Fortunately, the most recent NC budget (FY23-24) has included a significant budget increase for the PDAP. After slowly scheduling into this Fall 2023 season while awaiting our budget information, the PDAP will now be able to ramp up efforts to try to meet public demand for the rest of the fiscal year. This up-coming fiscal year is projected to continue the on-going upward trend of collection totals established prior to the Program scale-back of the FY22-23, but with a slow beginning to the Fall 2023 season, the previous record (FY21-22 (281K lbs) will not be broken, but public demand will continue.

During FY22-23, PDAP held 26 pesticide-only collection events, assisted 15 permanent Household Hazardous Waste (HHW) facilities with multiple collections, and sponsored pesticide collections from 22 single-day HHW events for 106 total events organized, scheduled, performed, invoiced, and recorded.

- **PDAP Contract:** In Feb-Mar of 2023, the PDAP acquired a Contract Amendment to increase the overall Contingency Total for the duration of the current contract. After working with the Department’s Budget and Finance office and with our HazMat Contractor, the contract total was increased to allow for contract continuation due to delayed contract initiation and the misalignment of the fiscal year (ends in June) and the contract term dates (ends in March). As with past contracts, it is a 1-year initial contract with two potential renewals for a total possible term of 3 years. We are currently in the middle of Yr2.
- **Outreach:** The PDAP team is also active in outreach, education, and technical assistance. PDAP members are assisting with the Treated Seed Subcommittee and with the Disposal/Recycling track for The Pesticide Stewardship Alliance’s Annual Conference scheduled for Feb 2024. PDAP also participates in the Carolina Recycling Association’s HHW Council. Currently, PDAP sponsors 15 permanent and 16 single-day HHW programs across the state. PDAP members also serve both on the HHW Council steering committee and as the current President of the HHW Council.
- + **Container Recycling:** Currently, the pesticide container recycling program has approximately 210 sites in NC where farmers and commercial applicators can recycle plastic pesticide containers that don’t exceed 55 gallons in size. The containers are granulated by Ag Plastic Solutions and USAg Recycling, Inc. and are used to make industrial products. During the current reporting period, April 2023 – October 2023, 296,129 pounds of plastic pesticide containers were recycled, recycling waste which would otherwise pose a risk of contamination to surface and ground water, in addition to taking up landfill space. Since its inception in 1995, nearly 11 million pounds of plastic pesticide containers have been recycled in North Carolina. Pesticide Inspector II's conducted audits of 117 pesticide container recycling sites in 45 counties from April 2023 through October 2023, inspecting each site for cleanliness and number of containers, protection from rain, and working with county personnel on any issues found. There were two grants awarded during the current reporting period for a total of \$13,762.65 for items such as cargo containers, treated posts, signage, pressure rinse nozzles, and repairs.
- + **Special Programs/Initiatives:** We are continuing conversations to deal with the minibulks/IBCs that are needing to be disposed of. We are adding some information to the new private applicator recertification presentation to be used for the next 3-year cycle regarding this effort.
- + We are continuing to monitor EPA activities regarding hypochlorous acid devices being utilized in healthcare facilities. We are looking at ways to increase the number of pesticide applicators using the Fieldwatch site to minimize adverse effects to pollinators and specialty crops.
- + **New Issues/Concerns:** We are discussing what information needs to be shared with our certified private applicators regarding the new commodity fumigation category, as well as the impacts of our revised C&T rules on our applicators.
- + **Fee Changes:** No updates reported. All fees are out of date and need to be revisited.
- + **Pesticide Registration:**
 - **SLNs:**
 - None issued since last report and none pending.
 - Due to environmental and human health concerns, the EPA is reviewing the uses of ethylene oxide and has proposed significant reductions in its use. NC has a SLN registration that allows the use of this product for sterilizing bee equipment.

Even though the amount of product used for bee equipment treatments is very small, the EPA is proposing to cancel this use due to health concerns for those using the product and those near its use. There are also other methods of controlling the pest (although not particularly appealing ones) such as bathing the equipment in a lye solution or burning it. It is probably just as well that the use is ending since the registrant providing the product has cancelled the registration in NC and there are few if any other registrants that carry this product.

– **Emergency Exemptions:**

- **Miravis Top:** A Section 18 request was submitted for the use of Miravis Top fungicide for control of target spot on tobacco. After EPA review, they had several concerns regarding the request.
 1. Efficacy data show only a marginal increase in control compared to the products already available.
 2. NC has a SLN registration for the use of Manzate Prostick (mancozeb) on tobacco. Target Spot resistance to this product is suspected, but no data available to support this. According to the EPA, they have not received any reports of resistance. SLN label was revised to better communicate that Manzate Prostick can be used for control of Target Spot in the field.
 3. One ingredient in Miravis Top (difenoconazole) is an “azole” fungicide which, as a group, are frequently used in agriculture to control fungal pathogens. Azoles are also used in human medicines to treat fungal diseases. According to the CDC, there is concern that the agricultural use of azole fungicides may be contributing to an increase in resistance to azoles use against human fungal pathogens. The EPA is reluctant to authorize additional use of an azole via a Section 18. However, Syngenta has submitted a petition to the EPA to add tobacco use to the Section 3 Miravis Top label. A decision on this is due at some point prior to the 2024 use season on tobacco.
- **Larvadex:** It is our understanding that the National Turkey Federation is working on a Section 18 request for the use of Larvadex in turkey production to control flies suspected of transmitting Turkey Coronavirus (TCV). The Federation, along with NCSU Extension, worked to prepare a package for 2023, but were unable to gather all the information needed for the request. There is no tolerance specifically for turkeys and there are other products labeled for this use.

South Carolina:

- + **Budget:** The state budget is stable at this time. Generated revenues remain stable.
- + **Staffing:** The department is currently fully staffed in both field and support operations. There are 2 potential retirements which will create a vacancy in a field supervisor position and support program coordinator position on January 1, 2024. Recruiting will begin immediately after the retirement notices are received for both positions.
- + **Legislative/Rules:** South Carolina has submitted a notification for rule change during the 2024 legislative session. Change will include a general clean up, modifications to reflect current technology, mandatory licensing for ROW applications and restrictions to direct supervision.

- + **Structural:** (Ongoing form Spring) In South Carolina, there are two major types of subterranean termites: several species of native subterranean termites and the imported Formosan subterranean termite. Formosan subterranean termites are an extremely aggressive species of termites that form colonies of several million individuals (as opposed to the native eastern subterranean termite, whose colonies rarely exceed 300,000). Historically the distribution of Formosan subterranean termites has been well documented in coastal counties, however their distribution seems to be expanding in South Carolina. DPR has enhanced their existing for-cause and neutral scheme structural inspections to aid in monitoring the distribution of Formosan subterranean termites in South Carolina.
- + **C&T:** South Carolina received a signed approval letter for the C&T plan on October 3, 2023. Implementation will begin in the 2025 legislative session with full compliance by December 31, 2029. DPR has continued to provide updates and online presentations across the state to educate South Carolina applicators on category specific recertification requirements, licensing protocol, examination process and keeping in compliance with state and federal pesticide regulations for South Carolina

DPR continues to approve all recertification courses/programs according to South Carolina's regulation requiring continuing education training hours for all pesticide applicators; private, commercial, and noncommercial. DPR also approves recertification courses that meet the category-specific recertification hour requirement for individuals licensed in the mandatory licensing categories: 3,5,7A, 7B and 8. Commercial and noncommercial South Carolina pesticide applicators are presently in the last year of their five-year block which ends on 12/31/2023. Private applicators are presently in the fourth year of their five-year recertification accrual block which ends on 12/31/2024. Guidelines have been established by the DPR for commercial and noncommercial applicators taking the recertification exam if they have not met their required recertification hours for this current block.

South Carolina's Recertification program continues to expand, and online training courses and webinars are a large portion of the total courses submitted into your state for recertification consideration.

- + **WPS:** South Carolina has continued to enforce the revised WPS regulations during this 2023 reporting time frame. We have continued to help prepare SC growers to meet the requirements of the revised WPS regulation via online methods as well as in person meetings. During this reporting time in-person and online meetings have been conducted to assess inspector training needs and to address areas of concern while conducting WPS inspections. The new Mi-Apps programs has gone live during this reporting time and beginning July 1 all WPS inspections have been entered into this new inspection database system. All routine WPS inspections on farms, forestry, nursery and greenhouses inspections are entered into this system from the field. SC's, WPS four-page inspection form and SC's handler and worker interview forms are used for notes and backup purposes only for the remaining 2023 inspection year. Outreach materials which included PowerPoint presentations, handouts for family farms and resource contact lists were updated and used by the field to aid in their inspection efforts. We distributed WPS safety posters to field staff to hand out during their inspection efforts for the 2023 inspection years.

Training DVD videos have been distributed to grower across our state who have limited or no access to the internet.

SC continues to be an active council member of the Migrant Health Advisory Council for South Carolina and continues to serve in an officer position on this council for the 2023 year.

SC collaborated with Clemson's Rural Health Mobile Health division for this 2023 growing season to reach the agricultural seasonal and permanent workforce in regard to pesticide safety. South Carolina's WPS program continues to meet all required and projected areas outlined in the EPA guidance. South Carolina's DPR WPS inspection numbers and WPS 5700 forms were completed during this reporting time frame.

- + **Endangered Species:** SC's DPR has kept abreast of the territory maps, bulletins and label information released by EPA regarding Endangered Species impact areas in South Carolina. Links to the ES territory maps have been sent to all field staff to address in their inspection efforts in 2023. ES outreach brochures developed by Ms. Lognion are handed out upon request at meetings and tradeshow. South Carolina's DPR brochure supplies are limited due to lack of funding by EPA for this program. Funding by EPA is a necessity for this program to succeed to its full potential.
- + **Water Quality:** DPR will evaluate Pesticides of Interest through its groundwater sampling program. During 2023, DPR is scheduled to collect 75 groundwater samples from wells located in rural areas, at farms, at golf courses and/or nursery/greenhouse operations. As of September 30, 2023, DPR has collected 80 groundwater samples. Few pesticides have been detected in the samples, and the herbicide Metolachlor has made up the bulk of these detections. No pesticides have been detected at concentrations above the Federal drinking standards. As in previous years, DPR will report the data to EPA
- + **Pesticide Waste Disposal:** Waste disposal is managed by the SC Department of Agriculture
- + **Container Recycling:** Approximately 115,000 pounds of material recycled in 2023 to date.
- + **Special Programs/Initiatives:** Outreach and educational materials continue to be distributed to school district personnel and pest control personnel as ongoing outreach for SC's IPM in Schools program. SC's IPM in Schools Program is continues to be addressed during DPR inspections and outreach trainings across the state.
- + **New Issues/Concerns:** DPR is anticipating the introduction of legislation during the next session that could challenge the local ordinance ban (pre-emption) currently in place and additional legislation targeting barrier mosquito applications within 1000 feet of water. DPR is concerned with the enforceability of proposed measures for rodenticides in the PIDs, herbicides under the new strategy, and the VSPP.
- + **Pesticide Registration:** 16,161 – Current total approved products (9/1/23 – 8/31/24)
 - 376 (2023 Non-renewals)
 - 15785 (2024 Renewals)
 - 876 product cancellations since 7/1/2023 – 10/5/2023
 - 300 New Product Registrations 7/1/2023 – 10/5/2023
 - 935 – 25(b)
- + **Other Significant News:** The new Mi-Apps programs has gone live during this reporting time and beginning July 1 all for-cause and neutral scheme inspections have been entered into this new

mobile database system. The analytics tools is currently in development with plans to utilize the tool with data is available to report for the year-end.

Tennessee:

- + **Staffing:** 1 clerical position and 1Pesticide Inspector 3 position
- + **Legislative/Rules:** None at present, however, revisions to the rules will be forthcoming
- + **Structural:** 1 case where the PCO changed the insurance coverage to endorse another identity and 1 illegal operator
- + **C&T:** Status Quo finishing up the certification period. Still learning the new computer program
- + **WPS:** Status Quo
- + **Endangered Species:** Status Quo
- + **Water Quality:** Status Quo
- + **Pesticide Waste Disposal:** Status Quo
- + **Container Recycling:** Status Quo
- + **New Issues/Concerns:** No new issues or concerns other than what was addressed in the questions above.
- + **Fee Changes:** No fee changes at present
- + **Pesticide Registration:** Status Quo